

The Senate Judiciary Committee offers the following substitute to SB 43:

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to prohibit certain employers from prohibiting employees from lawfully carrying and possessing firearms in locked motor vehicles; to provide for immunity for employers who allow employees to possess firearms in locked vehicles on the premises of such employer; to provide for civil remedies; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended by adding a new Code section to read as follows:

"16-11-135.

(a) Except as provided in this Code section, no private or public employer shall establish, maintain, or enforce any policy or rule that has the effect of prohibiting an employee from transporting or storing a firearm in a locked motor vehicle in any parking lot, parking garage, or other employee parking area.

(b) Subsection (a) of this Code section shall not apply:

(1) To an employer providing applicable employees with a secure parking area which restricts general public access through the use of a gate, security station, or other similar means which limit public access into the parking area;

(2) To vehicles owned or leased by an employer and used by the employee in the course of his or her business;

(3) To an employee who is restricted from carrying or possessing a firearm on the employer's premises due to a pending or completed disciplinary action;

(4) To any penal institution, correctional institution, detention facility, diversion center, jail, or similar place of confinement or confinement alternative;

1 (5) To any United States Department of Defense contractor operating a facility on or
2 contiguous with a United States military base or installation; or

3 (6) Where transport of a firearm on the premises of the employer is prohibited by state
4 or federal law.

5 (c) No employer shall be held liable in any civil action for damages resulting from or
6 arising out of an occurrence involving the transportation, storage, possession, or use of a
7 firearm pursuant to this Code section unless such employer commits a criminal act
8 involving the use of a firearm or unless the employer knew or, in the exercise of ordinary
9 care, should have known that the person using such firearm would commit such criminal
10 act on the employer's premises. Nothing contained in this Code section shall create a new
11 duty on the part of the employer."

12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.